

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ERNEST C. WILLIAMS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:09CV211 FRB
)	
JUDITH SILVEY, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on remand from the United States Court of Appeals for the Eighth Circuit. On appeal, the Court of Appeals determined that plaintiffs' retaliation claims against defendants Silvey and Whitener stated a claim upon which relief can be granted. The Court of Appeals further determined that plaintiffs' claims against these defendants for injunctive relief also stated a claim. As a result, the Court will order these defendants to file an answer to these portions of the complaint within twenty-one days of the date of this Order.

Furthermore, the Court of Appeals determined that this Court must determine the merits of plaintiffs' motion to appoint counsel and motion to file additional pleadings. The motion to appoint counsel has been fully briefed, and the Court will issue a separate Order ruling that motion. However, defendants have not yet had an opportunity to respond to plaintiffs' motion to file additional pleadings. Additionally,

there are aspects of the motion that may or not have been made moot by the passage of time. As a result, the Court will direct plaintiffs to file a supplemental brief to their motion to file additional pleadings within fourteen days from the date of this Order specifying whether the issues raised in the motion are still pertinent. If plaintiffs specify that any of the issues are still pertinent, then defendants must file a response brief to the pertinent issues within fourteen days of the filing of plaintiffs' supplement.

Accordingly,

IT IS HEREBY ORDERED that defendants shall file an answer as directed in this Order no later than twenty-one (21) days from the date of this Order.

IT IS FURTHER ORDERED that plaintiffs shall, in accordance with this Order, submit a supplemental brief to their motion to file additional pleadings (Docket No. 35) no later than fourteen (14) days from the date of this Order.

IT IS FURTHER ORDERED that defendants shall respond to plaintiffs' motion to file additional pleadings (Docket No. 35) as ordered herein.

Dated this 28th day of June, 2010.



FREDERICK R. BUCKLES
UNITED STATES MAGISTRATE JUDGE